

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:23-CV-00139-FDW-DCK**

**S.F. AND S.F., INDIVIDUALLY AND ON)
BEHALF OF S.F., THEIR MINOR CHILD ,)**

Plaintiffs,)

v.)

UNION COUNTY BOARD OF EDUCATION,)

Defendant.)

ORDER

THIS MATTER is before the Court on the parties’ “Miscellaneous Filing as a Joint Motion for Judicial Conference,” (Doc. No. 24). After reviewing the motion, the Court requested the parties to confer and submit a jointly-prepared proposed Order in lieu of a judicial conference. This Order follows.

IT IS THEREFORE ORDERED that pursuant to Rule 45 of the Federal Rules of Civil Procedure, 20 U.S.C. § 1415(i)(2), and the North Carolina Office of Administrative Hearings (“OAH”) and the North Carolina Department of Public Instruction (“DPI”) practice, Undersigned hereby issues this Order to Direct Production of OAH Administrative Record in above captioned case.

1. On December 5, 2022, OAH issued a ruling in case number 22EDC01156, SF by Parent of Guardian SF & SRF v. Union County Board of Education.
2. On December 9, 2022, the OAH case record was certified pursuant to North Carolina General Statute § 150B-37.
3. On December 15, 2022, the Official Record was sent to Teresa King at DPI.

4. Petitioners/Plaintiffs appealed the OAH ruling by filing the above captioned case on March 3, 2023.

5. Claims in this case are brought under Individuals with Disabilities Education Act ("IDEA"). 20 U.S.C. § 1400 et. seq., as well as other areas of law.

6. Because IDEA claims require a de novo review of the administrative record, production of the Certified Administrative Record is necessary.

7. In attempting to obtain a copy of the Certified Administrative Record, Plaintiffs' Attorneys were informed that production of the OAH Official Record now required an Order from the reviewing court.


8. Undersigned asks that the Certified Administrative Record from the aforementioned 22EDC01156, S.F. SF by Parent of Guardian SF & SRF v. Union County Board of Education be promptly produced.

The produced Certified Administrative Record is directed to be sent to the Undersigned and copied to attorneys of record as indicated below.

IT IS FURTHER ORDERED that the parties' Joint Motion, (Doc. No. 24), is DENIED AS MOOT.

IT IS SO ORDERED.

Signed: October 4, 2023


Frank D. Whitney
United States District Judge